

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA for the use of
WALTHAM LIME & CEMENT COMPANY,

Plaintiff,

v.

PEABODY CONSTRUCTION CO., INC.,
ODF CONTRACTING CO., INC.,
HOON COMPANIES, INC., and
TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA,

Defendants.

Civil Action
No. 05-10138 NG

JOINT STATEMENT UNDER LOCAL RULE 16.1

NOW COME the parties in the above entitled action, and hereby submit their Joint Statement in accordance with the provisions of Rule 16.1 of the Local Rules of the United States District Court for the District of Massachusetts.

I. DISCOVERY

The parties agree to be bound by the limitations set forth in Rule 26 of the Federal Rules of Civil Procedure and anticipate that discovery can be completed within six months.

II. MOTIONS

The parties agree that motions for summary judgment be filed on or before August 31, 2006.

III. CERTIFICATIONS

Certifications required under Local Rule 16.1(D)(3) are attached hereto.

Respectfully Submitted,

WALTHAM LIME & CEMENT COMPANY

By their attorney,

/s/ Anthony M. Moccia

Anthony M. Moccia, BBO #350225
ECKERT SEAMANS CHERIN & MELLOTT, LLC
One International Place, 18th Floor
Boston, Massachusetts 02110
Telephone: (617) 342-6800
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PEABODY CONSTRUCTION CO., INC. and
TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA

By its attorneys,

/s/ Jonathan C. Burwood

Jonathan C. Burwood, BBO #643674
Hinshaw & Culbertson LLP
One International Place, 3rd Floor
Boston, Massachusetts 02110
Telephone: (617) 213-7000
Facsimile: (617) 213-7001

DATED: January 23, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 23, 2006.

/s/ Anthony M. Moccia

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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Plaintiff,

v.

PEABODY CONSTRUCTION CO., INC., ODF
CONTRACTING CO., INC. HOON
COMPANIES, INC., and TRAVELERS
CASUALTY AND SURETY COMPANY OF
AMERICA,
Defendant.

CIVIL ACTION NO. 05-10138 NG

CERTIFICATION PURSUANT TO LOCAL RULE 16.1(D)(3)

This will certify that undersigned counsel has conferred with Ms. Laurie Larson of Travelers Casualty and Surety Company of America, and Mr. Edward A. Fish, Jr. of Peabody Construction Co., Inc.: (a) with a view to establishing a budget of the costs of conducting the full course, and various alternative courses, of the litigation; and (b) to consider the resolution of litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Respectfully submitted,
**PEABODY CONSTRUCTION CO., INC.; and
TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA**

/s/ Jonathan C. Burwood

Bradford R. Carver, BBO #565396
Jonathan C. Burwood, BBO #643674
Hinshaw & Culbertson LLP
One International Place, 3rd Fl.
Boston, MA 02110

/s/ Laurie Larson

Ms. Laurie Larson
St. Paul Travelers
One Tower Square, 4PB
Hartford, CT 06183

/s/ Edward A Fish, Jr.

Mr. Edward A. Fish, Jr.
Peabody Construction Company
536 Granite Street
Braintree, MA 02184-9107

Dated: January 23, 2006

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**WALTHAM LIME & CEMENT COMPANY'S CERTIFICATION REGARDING
BUDGETING AND ALTERNATIVE DISPUTE RESOLUTION**

Pursuant to Local Rule 16.1(D)(3), counsel for the plaintiff, Waltham Lime & Cement Company, hereby certifies that he has conferred with his client to discuss:

- (1) the budget for costs conducting the full course --- and various alternative courses--- of the litigation; and
- (2) the resolution of this litigation through the use of alternative dispute resolution programs such as arbitration, conciliation and mediation.

WALTHAM LIME & CEMENT
COMPANY

/s/ John Derderian

By: John Derderian

January 23, 2006

/s/ Anthony M. Moccia

Anthony M. Moccia, BBO #350225,
Attorney for Waltham Lime & Cement Company
ECKERT SEAMANS CHERIN & MELLOTT, LLC
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